

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Jason Williams And Stephanie Williams

Case No. 10-81432

Chapter 13

Social Security No. xxx-xx-1769 and xxx-xx-6194
Address: 5738 Severn Grove Drive, Durham, NC 27703-

Debtors

MOTION TO MODIFY PLAN

NOW COME the Debtors, by and through counsel undersigned, who move, under authority of 11 U.S.C. § 1329, to modify the Chapter 13 plan in this case, and in support hereof, the Debtors show unto this Court the following:

1. This case was filed on August 12, 2010, with the Chapter 13 plan being subsequently confirmed on December 6, 2010.
2. The Debtors propose to modify the Chapter 13 plan in this case in the following respects:

From: \$2,379.00 per month.

To: \$2,379.00 per month through July 2011, followed thereafter by \$2,198.00 per month, starting in September 2011.
3. To facilitate the proposed modification, the Debtors hereby surrender any interest they may have in collateral securing the following claims:

Creditor and Claim No.	Collateral
State Employees Credit Union (claim no.5)	2003 Chevrolet G2500

4. At the time of the filing of the Debtors' Chapter 13 bankruptcy, the 2003 Chevrolet G2500 had a fair market value of \$9,607.00, requiring adequate protection payments in the amount of \$96.07, or a total of \$1,056.77
5. At the time of the filing of the Debtors' Motion to Modify, the Debtors have paid \$2,136.61 to State Employees Credit Union, exceeding the depreciation, pursuant to local rule and the Confirmation Order, on the 2003 Chevrolet G2500

6. The changed circumstances that justify the proposed modification are as follows:
 - a. The Chapter 13 Trustee has brought a Motion to Modify seeking an increased plan payment.
 - b. The Debtors have been struggling with their plan at its present amount.
7. An Amended Schedule I for the Debtors is attached hereto and is incorporated hereto by reference.
8. An Amended Schedule J for the Debtors is attached hereto and is incorporated by reference.
9. The proposed modification conforms to the standards of confirmation set out in 11 U.S.C. §§ 1322 and 1325. This modification is feasible because of the following changes, as detailed on the attached Chapter 13 Worksheet:
 - a. Filed claims different from schedules.
 - b. Surrender of property.
 - c. Change in equal monthly payment to Car Max from \$397.44 to \$366.00.

Appended Application for an Additional Attorney Fee

10. Counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval an attorney fee in the amount of \$250.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion to modify.
11. Counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(a), for approval reimbursement for the cost of mailing this Motion to all parties in interest in the amount of \$0.50 per motion for fifty-eight (58) creditors, or total expenses of \$29.00.

WHEREFORE, the Debtors pray that this Court grant their Motion, and modify the Chapter 13 plan accordingly. In addition, counsel undersigned requests that this Court approve a fee in the amount of \$279.00 to compensate undersigned for the services rendered or to be rendered with respect to this motion, said fee to be paid by the Chapter 13 Trustee as an administrative claim in this case.

Dated: August 2, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz
Edward C. Boltz
North Carolina State Bar No.: 23003
6616-203 Six Forks Road
Raleigh, N.C. 27615
(919) 847-9750

UNITED STATES BANKRUPTCY COURT
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In Re:

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Address: 5738 Severn Grove Drive, Durham, NC 27703-

Debtors

CERTIFICATE OF SERVICE

I, Dawn DeFrange, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on August 2, 2011, I served copies of the foregoing **MOTION TO MODIFY PLAN** electronically, or when unavailable, by regular first-class U.S. mail, addressed to the following parties:

Richard M. Hutson, II
Chapter 13 Trustee
Michael West
U.S. Bankruptcy Administrator

Jason Williams And Stephanie Williams
5738 Severn Grove Drive,
Durham, NC 27703-

All creditors with duly filed claims as listed on the attached Report of Claims Filed at the addresses listed thereon.

/s Dawn DeFrange
Dawn DeFrange

In re **Jason Fred Williams**
Stephanie Anne Williams

Case No. **10-81432**

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Married	RELATIONSHIP(S): None.	AGE(S):
Employment:	DEBTOR	SPOUSE
Occupation	Sales/Project Manager	Receptionist/Training Assistant
Name of Employer	ARS	SoftPro/LPS
How long employed	1 year	7 Years
Address of Employer	5200 Old Chapel Hill Road Durham, NC 27707	4800 Falls of the Neuse Road, Suite 400 Raleigh, NC 27609
INCOME: (Estimate of average or projected monthly income at time case filed)		
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	DEBTOR \$ 4,310.77	SPOUSE \$ 2,092.25
2. Estimate monthly overtime	\$ 0.00	\$ 0.00
3. SUBTOTAL	\$ 4,310.77	\$ 2,092.25
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 922.17	\$ 403.62
b. Insurance	\$ 12.44	\$ 371.20
c. Union dues	\$ 0.00	\$ 0.00
d. Other (Specify) See Detailed Income Attachment	\$ 38.70	\$ 141.78
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 973.31	\$ 916.60
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ 3,337.46	\$ 1,175.65
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ 0.00	\$ 0.00
8. Income from real property	\$ 0.00	\$ 0.00
9. Interest and dividends	\$ 0.00	\$ 0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ 0.00	\$ 0.00
11. Social security or government assistance (Specify):	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
12. Pension or retirement income	\$ 0.00	\$ 0.00
13. Other monthly income (Specify):	\$ 0.00	\$ 0.00
	\$ 0.00	\$ 0.00
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 0.00	\$ 0.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ 3,337.46	\$ 1,175.65
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ 4,513.11	

(Report also on Summary of Schedules and, if applicable, on
Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:
-NONE-

In re **Jason Fred Williams**
Stephanie Anne Williams

Debtor(s)

Case No. **10-81432****SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED**
Detailed Income Attachment**Other Payroll Deductions:**

Dependent Term Life Insurance	\$ 12.70	\$ 0.00
Term Life Insurance	\$ 20.00	\$ 66.02
Accidental Death	\$ 6.00	\$ 24.74
FSA Health	\$ 0.00	\$ 41.66
Short Term Disability	\$ 0.00	\$ 9.36
Total Other Payroll Deductions	\$ 38.70	\$ 141.78

Debtor(s)

**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) -
AMENDED**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

- | | | | |
|--|---|-----------------------------|-------------|
| 1. Rent or home mortgage payment (include lot rented for mobile home) | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | \$ 0.00 |
| a. Are real estate taxes included? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | |
| b. Is property insurance included? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | |
| 2. Utilities: | | | \$ 155.00 |
| a. Electricity and heating fuel | | | \$ 59.00 |
| b. Water and sewer | | | \$ 0.00 |
| c. Telephone | | | \$ 331.00 |
| d. Other See Detailed Expense Attachment | | | \$ 66.00 |
| 3. Home maintenance (repairs and upkeep) | | | \$ 537.00 |
| 4. Food | | | \$ 122.00 |
| 5. Clothing | | | \$ 40.00 |
| 6. Laundry and dry cleaning | | | \$ 120.00 |
| 7. Medical and dental expenses | | | \$ 239.00 |
| 8. Transportation (not including car payments) | | | \$ 19.61 |
| 9. Recreation, clubs and entertainment, newspapers, magazines, etc. | | | \$ 50.00 |
| 10. Charitable contributions | | | |
| 11. Insurance (not deducted from wages or included in home mortgage payments) | | | \$ 0.00 |
| a. Homeowner's or renter's | | | \$ 0.00 |
| b. Life | | | \$ 0.00 |
| c. Health | | | \$ 200.00 |
| d. Auto | | | \$ 0.00 |
| e. Other | | | |
| 12. Taxes (not deducted from wages or included in home mortgage payments) | | | \$ 37.50 |
| (Specify) Personal Property Taxes | | | |
| 13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan) | | | \$ 0.00 |
| a. Auto | | | \$ 22.00 |
| b. Other HOA Dues | | | \$ 0.00 |
| c. Other | | | \$ 0.00 |
| 14. Alimony, maintenance, and support paid to others | | | \$ 0.00 |
| 15. Payments for support of additional dependents not living at your home | | | \$ 10.00 |
| 16. Regular expenses from operation of business, profession, or farm (attach detailed statement) | | | \$ 2,505.00 |
| 17. Other See Detailed Expense Attachment | | | |
| 18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.) | | | \$ 4,513.11 |
| 19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: | | | |
| None Anticipated | | | |
| 20. STATEMENT OF MONTHLY NET INCOME | | | |
| a. Average monthly income from Line 15 of Schedule I | | | \$ 4,513.11 |
| b. Average monthly expenses from Line 18 above | | | \$ 4,513.11 |
| c. Monthly net income (a. minus b.) | | | \$ 0.00 |

In re **Jason Fred Williams**
Stephanie Anne WilliamsCase No. **10-81432**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED
Detailed Expense Attachment**Other Utility Expenditures:**

Cell Phone	\$	160.00
Cable	\$	138.00
Home Security Alarm System	\$	33.00
Total Other Utility Expenditures	\$	331.00

Other Expenditures:

Chapter 13 Plan Payment	\$	2,198.00
Personal Care	\$	70.00
Emergency Expenses	\$	98.50
Miscellaneous Expenses	\$	98.50
Pet expenses	\$	25.00
Education Expenses	\$	15.00
Total Other Expenditures	\$	2,505.00

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - STEP PLAN)

Date: 8/2/11
Lastname-SS#: williams-1769 MTM

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Creditor Name	Sch D #	Description of Collateral

SURRENDER COLLATERAL

Creditor Name	Description of Collateral
SECU	2003 Chevrolet

ARREARAGE CLAIMS ON RETAINED COLLATERAL

Creditor Name	Sch D #	Arrearage Amount
Wells Fargo		\$6,917

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

LTD - DOT on PRINCIPAL RESIDENCE / OTHER REAL PROPERTY

Creditor Name	Sch D #	Mortgage Payment	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Wells Fargo		\$1,576	n/a	n/a	\$1,576	Residence
			n/a	n/a		
			n/a	n/a		

STD - SECURED DEBTS (Retain Collateral & Pay FMV OF Collateral)

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			7.00			
			7.00			
			7.00			
			7.00			

STD - SECURED DEBTS & 910 CLAIMS (Pay 100%)

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Car Max		\$17,272	5.25	\$173	\$366	2007 Toyota
			7.00			
			7.00			
			7.00			
			7.00			

ATTORNEY FEES (Unpaid Part)		Amount
Law Offices of John T. Orcutt, P.C.		\$250
SECURED TAXES		Secured Amount
IRS Tax Liens		
Real Property Taxes on Retained Realty		
UNSECURED PRIORITY DEBTS		Amount
IRS Taxes		
State Taxes		
Personal Property Taxes		
Alimony or Child Support Arrearage		
COSIGN PROTECT (Pay 100%)	Int. %	Payoff Amount
All 'Co-Sign Protect Debts (See***)		
GENERAL NON-PRIORITY UNSECURED		Amount to Pay *
	DMI =	None(\$0)

PROPOSED CHAPTER 13 PLAN

\$ 2198 /month for 53 months, then
\$ N/A /month for N/A months.**

Definitions

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Required monthly 'Adequate Protection' payment.

* = Minimum of DMI x ACP, minus all co-sign protect debt.

** = Plan duration is subject to "Duration of Chapter 13 Plan" provision.

*** Co-sign protect on all debts so designated on filed schedules D, E and F

Final_MD_Step (rev. 11/6/07) © Copyright by John T. Orcutt (Page 4 of 4)

Other Miscellaneous Provisions